

REMARKS

Applicant wishes to thank the Examiner for the careful consideration given to this case and the courteous interview of April 1, 2009. During the interview, Applicant's representative, Curtis Wadsworth, and Examiner Nguyen discussed that the relevance of U.S. Publication No. 2002/0143358 to Domingo et al. ("Domingo") with regard to Applicant's claimed viewing device. The Examiner agreed that Domingo does not teach a port site dissector or a device for receiving a viewing device. Therefore, the Examiner agreed that the teaching of Domingo is not relevant to Applicant's claimed device; that Domingo was improperly asserted; and that all rejections in which Domingo was asserted will be withdrawn. The Examiner further agreed that Applicant's pending claims are in condition for allowance, but if an appropriate reference is identified in a further search, any Office Action issued including a new grounds for rejection will be non-final.

35 U.S.C. § 103

Claims 1, 2, 6, 9-11, 14, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,497,651 to Kan et al. ("Kan") in view of Domingo; claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kan in view of Domingo further in view of U.S. Patent No. 5,569,291; claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kan in view of Domingo further in view of U.S. Patent No. 5,511,564 to Wilk; claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kan in view of Domingo further in view of U.S. Patent No. 6,497,651 to Ko; and claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kan in view of Domingo further in view of U.S. Patent No. 6,709,445 to Boebel et al.

Each of the rejections recited above, require Domingo, which the Examiner has agreed was improperly asserted and was withdrawn as a reference against the pending claims. Accordingly, each of the above rejections is rendered moot. There being no other rejections, Applicant respectfully requests that the current application be allowed and passed to issue.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance and notice to such effect is respectfully requested. If the Examiner believes for any reason that personal communication will expedite prosecution of this application, he is invited to telephone me directly.

The Commissioner is hereby authorized to charge Deposit Account No. 50-0436 for any fees that may be due in connection with this response.

Respectfully submitted,



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